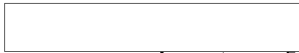


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OCA 86-2198
27 June 1986

MEMORANDUM FOR: (See internal distribution)

FROM:


Deputy Director for Legislation
Office of Congressional Affairs

STAT

SUBJECT: Draft Intelligence Community Legislative Program for
First Session of the One-Hundredth Congress
Request for Comments

1. This memorandum initiates the process of formulating the Intelligence Community Legislative Program for the First Session of the One Hundredth Congress (i.e., this year's program) by soliciting your comments on items to be included therein. The Program, when finally prepared, will be submitted to the Office of Management and Budget (OMB) by the Director of Central Intelligence.

2. OMB requires the head of every Federal agency to submit each Fall for Administration clearance a proposed legislative program for the session of Congress which begins the following January. This program is submitted to OMB along with an agency's proposed budget for the next fiscal year.

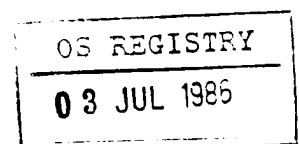
3. The Gramm-Rudman-Hollings budget law amendments moved up various budgetary milestones. As a result, OMB is calling for receipt of this year's program by September 1st, instead of November 15th as in previous years. Accordingly, we are using a somewhat different process to formulate this year's program. Attached is a copy of a draft program. It includes some new items. It also includes, in the event no positive action occurs this Congress, those items from last year's program and/or the intelligence authorization bills currently before Congress (H.R. 4759 and S. 2477) in which there appears to be a continuing interest. We ask for your comments on these items as well as your suggestions for new proposals.

4. With respect to new proposals, it is not necessary to submit specific statutory language, or to specify a statute to be amended. A description of each problem or goal, accompanied by an explanation of why it is thought that legislation is necessary to solve or achieve it, is sufficient. All suggestions should also be accompanied by your component's views as to whether or not the proposal has Intelligence Community applicability. We ask for your comments by July 11, 1986.

5. A memorandum similar to this one is being sent to appropriate offices throughout the Intelligence Community.

STAT


Attachment
as stated



OCA 86-2199
27 June 1986

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FROM:


Deputy Director for Legislation
Office of Congressional Affairs

STAT

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First Session of the One-Hundredth Congress
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STAT

Attachment
as stated

DRAFT

OCA 86-2202
30 June 1986,

CENTRAL INTELLIGENCE AGENCY
AND
INTELLIGENCE COMMUNITY
PROPOSED LEGISLATIVE PROGRAM
FOR THE FIRST SESSION
OF THE 100th CONGRESS

LEGISLATIVE PROPOSALS

100/1 - 1: Fiscal Year 1988 Intelligence Authorization Act

The Director of Central Intelligence will submit to the Office of Management and Budget for clearance a proposed Fiscal Year 1988 Intelligence Authorization Act for transmittal to the Congress.

100/1 - 2: Protection of Intelligence Information

The Director of Central Intelligence may include in the proposed Fiscal Year 1988 Intelligence Authorization Act a proposal to provide criminal penalties for willful unauthorized disclosures of classified information by federal employees and others having authorized access to classified information and may support this proposal as contained in other legislation.

100/1 - 3: Right To Financial Privacy Act Amendment

The Director of Central Intelligence may include in the proposed Fiscal Year 1988 Intelligence Authorization Act, or support its inclusion in another legislative vehicle, an amendment to the Right to Financial Privacy Act to clarify the Agency's authority to examine the financial records of employees in connection with a determination of their vulnerability to counterintelligence threats.

100/1 - 4: Department of Defense Proprieties

At the request of the Department of Defense, the Director of Central Intelligence will include in the proposed Fiscal Year 1988 Intelligence Authorization Act legislation which would grant the Department of Defense authority to establish and operate corporations or other business entities in support of authorized and appropriately coordinated intelligence activities and may support this proposal as contained in other legislation.

100/1 - 5: Exemption from Requirement to Publish Record Disposal Requests

If it does not become law as part of the Fiscal Year 1987 Intelligence Authorization Act, the Director of Central Intelligence may include in the proposed Fiscal Year 1988 Intelligence Authorization Act legislation to amend the U.S. Code to exempt the Central Intelligence Agency, the National Security Agency and the Defense Intelligence Agency from the requirement that the Archivist publish in the Federal Register the records disposal requests for the purpose of soliciting public comment.

100/1 - 6: Conformance of Certain Provisions of CIARDS with P.L. 98-615

If it does not become law as part of the Fiscal Year 1987 Intelligence Authorization Act, the the Director of Central Intelligence may include in the proposed Fiscal Year 1988 Intelligence Authorization Act an amendment to the law governing the Central Intelligence Agency Retirement and Disability System (CIARDS) so as to incorporate certain former spouse entitlements which were made available to former spouses or participants in the Civil Service Retirement System by passage of P.L. 98-615.

100/1 - 7: FOIA Relief for FBI

In addition to the relief from the provisions of the Freedom of Information Act (FOIA) currently being sought by the Federal Bureau of Investigation (FBI) and the Department of Justice, an amendment to the FOIA may be proposed by the Director of Central Intelligence, at FBI's request, which would exempt the FBI's counterterrorism files and counterintelligence files from the provisions of the FOIA that require search, review, and publication, provided those files are not older than five years.

100/1 - 8: Access by FBI and DOD to Financial Records

If it does not become law as part of the Fiscal Year 1987 Intelligence Authorization Act, the the Director of Central Intelligence may include in the proposed Fiscal Year 1988 Intelligence Authorization Act, at the request of the Federal Bureau of Investigation (FBI), an amendment to the Right to Financial Privacy Act that would require financial institutions to comply with requests by the FBI for financial records when such requests have been approved by the Attorney General or his designee for domestic counterintelligence purposes. The Department of Defense may also be included as appropriate in this proposal.

100/1 - 9: Access by FBI to Tax Records

The Director of Central Intelligence may include in the proposed Fiscal Year 1988 Intelligence Authorization Act, at the request of the Federal Bureau of Investigation (FBI), legislation that would authorize the FBI, upon approval by the Attorney General or his designee, to receive tax return and taxpayer information regarding individuals that are the subject of a domestic counterintelligence investigation.

100/1 - 10: Access by FBI to Toll Records

If it does not become law as part of the Fiscal Year 1987 Intelligence Authorization Act, the the Director of Central Intelligence will include in the proposed Fiscal Year 1988 Intelligence Authorization Act, at the request of the Federal Bureau of Investigation (FBI), legislation that would require telephone companies to comply with requests by the FBI for toll records when such requests have been approved by the Attorney General or his designee for domestic counterintelligence purposes.

100/1 - 11: Authority to Expend Funds for Consultation with Foreign Officials

If it does not become law as part of the Fiscal Year 1987 Intelligence Authorization Act, the Director of Central Intelligence will include in the proposed Fiscal Year 1988 Intelligence Authorization Act, at the request of the Federal Bureau of Investigation (FBI) and the Department of Defense (DoD), legislation that would authorize the expenditure of funds to bring foreign officials who have counterintelligence responsibilities in their own countries to the United States for consultation with FBI and DoD representatives.

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100/1 - 12: Access by FBI to State and Local Criminal Records

If it does not become law as part of the Fiscal Year 1987 Intelligence Authorization Act, the the Director of Central Intelligence will include in the proposed Fiscal Year 1988 Intelligence Authorization Act, at the request of the Federal Bureau of Investigation (FBI), legislation that would authorize access by the FBI to state and local criminal records for purposes of determining eligibility for access to classified information.

100/1 - 13: Loss of Federal Pension for Violation of Intelligence Identities Protection Act

If it does not become law as part of the Intelligence Authorization Act for Fiscal Year 1988, the Director of Central Intelligence may include in the proposed Intelligence Authorization Act for Fiscal Year 1988 a provision providing for the loss of federal pension for a federal employee convicted of a violation of the Intelligence Identities Protection Act.

100/1 - 14: Defense Intelligence Agency (DIA) Proposal to Extend Termination Authority of Secretary of Defense with Respect to Defense Intelligence Agency Civilian Personnel

If it does not become law as part of the Fiscal Year 1987 Intelligence Authorization Act, the Director of Central Intelligence will include in the proposed Fiscal Year 1988 Intelligence Authorization Act, at the request of the Defense Intelligence Agency (DIA) an amendment to Chapter 83 of title 10, United States Code, to extend for two additional fiscal years the authority of the Secretary of Defense to terminate the employment of DIA civilian personnel originally provided in Title V of the Fiscal Year 1985 Intelligence Authorization Act.

100/1 - 15: Department of Defense Proposal to Extend the Provision of Section 1604, P.L. 98-618, to the Military Departments

Title V of the Fiscal Year 1985 Intelligence Authorization Act (P.L. 98-618) entitled, "Defense Intelligence Agency Personnel Management Improvements," granted the Secretary of Defense certain personnel management authorities with regard to civilian officers

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and employees in the Defense Intelligence Agency. If it does not become law as part of the Fiscal Year 1987 Intelligence Authorization Act, the Director of Central Intelligence may include in the proposed Fiscal Year 1988 Intelligence Authorization Act, at the request of Department of Defense, legislation to extend these authorities to civilian officers and employees in the intelligence organizations of the military departments.

100/1 - 16: Exchange of Mapping, Charting, and Geodetic Data with Foreign Nations

If it does not become law as part of the Fiscal Year 1987 Intelligence Authorization Act, the the Director of Central Intelligence will include in the proposed Fiscal Year 1988 Intelligence Authorization Act, at the request of the Department of Defense, legislation which would clarify the authority of the Defense Mapping Agency to exchange or furnish mapping, charting and geodetic (MC&G) data, supplies or services to a foreign country pursuant to an agreement for the production or exchange of MC&G data.

100/1 - 17: Related Travel and Medical Care Expenses for Defense Intelligence Agency Civilian Employees Serving Overseas

If it does not become law as part of the Fiscal Year 1987 Intelligence Authorization Act, the the Director of Central Intelligence will include in the proposed Fiscal Year 1988 Intelligence Authorization Act, at the request of the Defense Intelligence Agency (DIA), legislation to provide DIA the authority to pay for travel and related expenses in connection with obtaining necessary medical care for DIA civilian employees serving abroad equivalent to that now available to employees of the Central Intelligence Agency, the National Security Agency, and the Foreign Service.

100/1 - 18: Exceptional Intelligence Community Award Program

If it does not become law as part of the Fiscal Year 1987 Intelligence Authorization Act, the Director of Central Intelligence will include in the proposed Fiscal Year 1988 Intelligence Authorization Act, at the request of the Department of Defense, legislation to ensure that there is authority for the granting and acceptance of incentive awards for service performed by civilian and military personnel for intelligence-related activities.

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100/1 - 19: NSA Guard Force:

If it does not become law as part of the Fiscal Year 1987 Intelligence Authorization Act, the Director of Central Intelligence may include in the proposed Fiscal Year 1988 Intelligence Authorization Act, at the request of the National Security Agency (NSA), legislation to authorize NSA personnel to assume with respect to certain NSA facilities the protective service functions currently performed there by personnel of the General Services Administration (GSA).

100/1 - 20: NSA Critical Skills Tuition Assistance Program

If it does not become law as part of the Fiscal Year 1987 Intelligence Authorization Act, the Director of Central Intelligence will include in the proposed Fiscal Year 1988 Intelligence Authorization Act a provision expanding the authority of the National Security Agency (NSA) to establish a "critical skills" college tuition assistance program. Under this program, NSA could offer tuition assistance to those student employees pursuing a course of studies in a designated "critical skills" area: mathematics, foreign languages, computer sciences, etc.

100/1 - 21: Clarification of CIA/NSA/DIA Drug & Alcohol Abuse Authorities.

In light of the uncertainty created by recent case law concerning alcohol and drug abuse, the Director of Central Intelligence may include in the proposed Fiscal Year 1988 Intelligence Authorization Act legislation to ensure that the Central Intelligence Agency, the National Security Agency and the Defense Intelligence Agency are able to continue to deal with security problems in the area of alcohol and drug abuse without regard to the provisions of any other law, rule, or regulation.

Distribution: EXTERNAL

1 - IC Staff [redacted]
2 - NSC Staff (deGraffenreid/Thompson)
1 - State (Levitt)
1 - DoD (Hess)
2 - DIA [redacted]
1 - NSA [redacted]
1 - DoJ (Perkins)
1 - FBI (Moran)
1 - Department of Army (Bob Winchester)

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OCA/LEG/[redacted]:pap (2 July 1986)

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